

UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MASSACHUSETTS  
BOSTON DIVISION

STUDENTS FOR FAIR ADMISSIONS, INC.,

Plaintiff,

v.

PRESIDENT AND FELLOWS OF HARVARD  
COLLEGE (HARVARD CORPORATION),

Defendant.

Civil Action No. 1:14-cv-14176-ADB

**DEFENDANT'S ASSENTED-TO MOTION TO FILE UNDER SEAL**  
**MEMORANDUM OF LAW AND SUPPORTING MATERIALS**  
**IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS**

Pursuant to Local Rule 7.2 and the Stipulated Protective Order (Dkt. 55), Defendant President and Fellows of Harvard College ("Harvard") hereby moves this Court for an order sealing (1) certain exhibits to the Declaration of Felicia H. Ellsworth in Support of Harvard's Motion to Dismiss for Lack of Jurisdiction ("Ellsworth Declaration"); and (2) the Memorandum of Law in Support of Harvard's Motion to Dismiss for Lack of Jurisdiction ("Memorandum"). These exhibits to the Ellsworth Declaration include documents that Students for Fair Admissions, Inc. ("SFFA") has designated as Confidential and Highly Confidential – Attorneys' Eyes Only pursuant to the Stipulated Protective Order (Dkt. 55), including documents that disclose the identities of individuals on whose behalf SFFA asserts standing. The Memorandum also refers to information that SFFA has designated as Confidential and Highly Confidential – Attorneys' Eyes Only. Pursuant to Local Rule 7.1(a)(2), SFFA was made aware of this motion and assents to it.

WHEREFORE, Harvard respectfully requests that the Court grant this motion and allow the Memorandum, and certain exhibits to the Ellsworth Declaration, to be filed under seal and to

be viewed only by the Judge, her clerk(s), and Court personnel in conjunction with Harvard's Motion to Dismiss.

Respectfully submitted,

/s/ Felicia H. Ellsworth

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Dated: September 22, 2016

*Counsel for Defendant President and  
Fellows of Harvard College*

**CERTIFICATE OF CONFERENCE**

In accordance with Local Rule 7.1(a)(2), I hereby certify that Students for Fair Admissions' counsel was made aware of this motion by phone and email before it was filed and assents to Harvard's request to file the Memorandum and certain exhibits to the Ellsworth Declaration under seal.

/s/ Felicia H. Ellsworth  
Felicia H. Ellsworth

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be sent electronically to all counsel of record via the CM/ECF system.

/s/ Felicia H. Ellsworth  
Felicia H. Ellsworth